1	KEVIN V. RYAN (CSBN 118321) United States Attorney				
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7	LAUTED	CTATEC	DISTRICT COLIDT		
8	UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA				
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10	S	AN JOSE	EDIVISION	RMW P	
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12	UNITED STATES OF AMERICA.		No.		
13	Plaintiff.)	VIOLATIONS: 18 V 1030(a)(5)(B)(iv) &	U.S.C. §§ 1030(a)(5)(A)(i), 1030(c)(4)(A) – to a Protected Computer	
14	V.)	Intentional Damage Causing a Threat to	to a Protected Computer Public Health and Safety;	
15	DAVID JEANSONNE.	18 U.S.C. §§ 1030(a)(5)(A)(i), 1030(a)(5)(B)(i) & 1030(c)(4)(A) – Intentional Damage to a			
16	Defendant.))	Protected Computer At Least \$5,000	Causing Loss Aggregating	
17)	SAN JOSE VENUE	UNDER SEAL	
18					
19	<u>INDICTMENT</u>				
20	<u>Background</u>				
21	At all times relevant to this Indictment:				
22	1. WebTV was a product offered by Microsoft Corporation that allowed users				
23	to connect to the Internet using a standard television as an output device. WebTV users could				
24	send and receive e-mail once connected to the Internet. WebTV customers were required to				
25	purchase hardware and a service plan from WebTV. The hardware consisted of a WebTV "box,"				
26	which served as a computer and a keyboard and which included various interface wires.				
27	Microsoft was the Internet Service Provider for customers who purchased the WebTV product				
28	and service plan.				
	INDICTMENT [U.S. v. JEANSONNE]				

2. The WebTV box accessed the Internet through a modem connected to a WebTV user's standard telephone line. When a user initiated the process of logging on to WebTV, the WebTV box dialed a local telephone number through its internal modem and connected to the Internet through WebTV servers located in Santa Clara, California. WebTV boxes were also programmed to connect to WebTV's servers at midnight every day for maintenance and software updates.

COUNT ONE:

(18 U.S.C. §§ 1030(a)(5)(A)(i), 1030(a)(5)(B)(iv) & 1030(c)(4)(A) – Intentional Damage to a Protected Computer Causing a Threat to Public Health and Safety)

- 3. The facts alleged in paragraphs 1 and 2 are realleged and incorporated herein as if set forth in full.
- 4. On or about July 14, 2002, in the Northern District of California and elsewhere, the defendant

DAVID JEANSONNE

did knowingly cause the transmission of a program, information, code and command through WebTV's servers, to wit, the sending to certain WebTV users of e-mails with an executable attachment containing computer code that reset the dial-in telephone numbers of their WebTV boxes to "9-1-1." the emergency telephone number commonly connected to local police dispatchers, and, as a result of such conduct, did intentionally cause damage without authorization to protected computers, to wit, the users' WebTV boxes and WebTV's servers, thereby causing a threat to public health and safety.

All in violation of Title 18. United States Code, Sections 1030(a)(5)(A)(i), 1030(a)(5)(B)(iv) and 1030(c)(4)(A).

1	COUNT TWO: (18 U.S.C. §§ 1030(a)(5)(A)(i), 1030(a)(5)(B)(i) & 1030(c)(4)(A) — Intentional Damage to a Protected Computer Causing Loss Aggregating At Least \$5,000)			
2				
3	5. The facts alleged in paragraphs 1 and 2 are realleged and incorporated herein as if set			
4	forth in full.			
5	6. On or about July 14, 2002, in the Northern District of California and elsewhere, the			
6	defendant			
7	DAVID JEANSONNE			
8	did knowingly cause the transmission of a program, information, code and command through			
9	WebTV servers, to wit, the sending to certain WebTV users of e-mails with an executable			
10	attachment containing computer code that reset the dial-in telephone numbers of their WebTV			
11	boxes to "9-1-1," the emergency telephone number commonly connected to local police			
12	dispatchers, and, as a result of such conduct, did intentionally cause damage without			
13	authorization to protected computers, to wit, the users' WebTV boxes and WebTV's servers, and			
14	thereby caused loss to at least one person aggregating at least \$5,000 in a one-year period.			
15	All in violation of Title 18. United States Code, Sections 1030(a)(5)(A)(i), 1030(a)(5)(B)(i)			
16	and 1030(c)(4)(A).			
17				
18	DATED: A TRUE BILL.			
19				
20				
21	FOREPERSON KEVIN V. RYAN			
22	United States Attorney			
23	Ko- and acil			
24	ROSS W. NADEL			
25	Chief. Criminal Division			
26	(Approved as to form: (Medingh)			
27	AUSA WALDINGER			
28				
	INDICTMENT			

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[U.S. v. JEANSONNE]